

DATE 1/24/2013

HB 147

House Bill 147  
January 24, 2013  
Presented by Jim Kropp  
House Fish, Wildlife & Parks Committee

Mr. Chairman and committee members, I am Jim Kropp, Law Enforcement Chief of the Montana Department of Fish, Wildlife and Parks (FWP). I am here to provide informational testimony for House Bill 147.

FWP wardens have not encountered a significant increase in the amount of "Hunting without landowner Permission" violations in the past decade. I will pass out our statistics for hunting without permission as it relates to both big game and upland bird hunting.

FWP has worked with the bill sponsor to amend section (3) to include the \$500.00 fine only for a second offense of hunting without permission in a five-year period. There can be many reasons why or how a hunter may end up on private lands. FWP feels with this amendment to the bill, the courts have more flexibility to measure a hunter's intent, and the Department must always prove that the sportsman purposely, knowingly, or negligently committed the violation.

Currently FWP works within the Justice Court system to prosecute these violations. Within that system, Justices of the Peace have a wide range of discretion with misdemeanors. In fact the courts can impose fines up to \$1,000 and can take away privileges to hunt, fish, or trap, for as much as a lifetime.

To this point, we believe the Justice Court system has adequately and fairly addressed this issue. However, it's important to note that we appreciate being able to work with the sponsor pertaining to his concerns in bringing this bill forward.

01/10/2013

# Montana Fish, Wildlife & Parks

Violation Code Summary Report for Violation Dates Between 01/01/2002 and 12/31/2012

Report Type = HUNT BIG GAME WITHOUT LANDOWNER PERMISSION

NTA30801

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Violation Type/Code/Description

HUNT BIG GAME W/O LANDOWNER PERMISSION	2002	53	275	\$4,460.00	\$21,725.00	0	3	0	48
HUNT BIG GAME W/O LANDOWNER PERMISSION	2003	42	301	\$2,630.00	\$24,476.50	0	10	0	186
HUNT BIG GAME W/O LANDOWNER PERMISSION	2004	45	290	\$3,435.00	\$24,945.00	1	6	24	144
HUNT BIG GAME W/O LANDOWNER PERMISSION	2005	36	250	\$3,025.00	\$21,910.00	0	6	0	114
HUNT BIG GAME W/O LANDOWNER PERMISSION	2006	65	310	\$4,875.00	\$30,165.00	0	4	0	162
HUNT BIG GAME W/O LANDOWNER PERMISSION	2007	31	209	\$2,325.00	\$20,865.00	1	6	36	108
HUNT BIG GAME W/O LANDOWNER PERMISSION	2008	43	287	\$3,450.00	\$23,500.00	1	4	24	168
HUNT BIG GAME W/O LANDOWNER PERMISSION	2009	47	325	\$4,130.00	\$28,450.00	2	6	36	2106
HUNT BIG GAME W/O LANDOWNER PERMISSION	2010	74	273	\$5,640.00	\$24,910.00	0	3	0	123
HUNT BIG GAME W/O LANDOWNER PERMISSION	2011	32	161	\$2,850.00	\$16,195.00	0	5	0	108
HUNT BIG GAME W/O LANDOWNER PERMISSION	2012	2	14	\$125.00	\$1,285.00	0	0	0	0
Totals:	470	2695		\$36,945.00	\$238,426.50	5	53	120	3267

Res Mos Suspended - 3,267 includes 2 lifetime suspensions in 2009

01/10/2013

# Montana Fish, Wildlife & Parks

Violation Code Summary Report for Violation Dates Between 01/01/2002 and 12/31/2012

Report Type = HUNT UPLAND GAME BIRD WITH/OUT LANDOWNER PERMISSION

NTA30801

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Violation Type/Code/Description

Violation Type/Code/Description	Year	Nres	NTA	Res	NTA	Non-Res	Res	Nres	Res	Nres	Res
						Bond/Fine	Bond/Fine	Privs	Privs	Mos	Mos
								Susp	Susp	Susp	Susp
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2002	2	12			\$50.00	\$280.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2003	5	8			\$260.00	\$380.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2004	11	3			\$350.00	\$75.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2005	2	7			\$200.00	\$250.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2006	5	3			\$125.00	\$75.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2007	4	10			\$175.00	\$255.00	1	0	36	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2008	7	8			\$145.00	\$250.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2009	0	6			\$0.00	\$125.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2010	10	5			\$230.00	\$125.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2010	10	2			\$230.00	\$50.00	0	0	0	0
HUNT UPLAND GAME BIRD W/O LANDOWNER PERMISSION	2011	1	0			\$25.00	\$0.00	0	0	0	0
Totals:		57	64			\$1,790.00	\$1,865.00	1	0	36	0